

Notice of Allowability

Application No.

10/084,262

Examiner

Jerry A Lorengo

Applicant(s)

DRAKE, JONATHAN C.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments and arguments filed May 10, 2004.
2. ☒ The allowed claim(s) is/are 11-18,43 and 44.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06/01/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 04/20/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

(1)

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 1-10 and 19-30, non-elected without traverse,¹ have been cancelled.

(2)

Allowable Subject Matter

Claims 11-18, 43 and 44 have been found to be allowable over the prior art of record.

(3)

The following is an examiner's statement of reasons for allowance:

Methods for the formation of a dye sublimation image on a substrate via the conveyance of the substrate and a dye sublimation transfer support through a sequentially arranged heating and cooling zones, such as taught by U.S. Patent No. 4,059,471 to Haigh, are known in the art. Although it is also known in the lamination of thermoplastic plies, as set forth in U.S. Patent No. 4,997,507 to Meyer, to provide for the continuous application of pressure between the lamina in both the heating and cooling zones and there between, neither Haigh nor any of the prior art of record specifically teach or suggest the due sublimation method set forth in applicant claims 11 and 44 wherein continuous pressure is provided against the first surface of the substrate in both the heating and cooling zones and there between.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

¹ See, § 1 of the Office Action mailed March 4, 2004.

(4)

Response to Amendments and Arguments

The amendments and arguments filed June 10, 2004 are acknowledged. In that filing, claim 44 was amended, claims 1-10 and 19-30 were withdrawn as non-elected and claims 31-42 were cancelled. In specific response to the arguments set forth in the first full paragraph of page 11 in the Remarks section (wherein it is persuasively argued that the primary reference to Haigh teaches away from the application of continuous pressure in the heating and cooling stages and there between, as suggested by Meyer), claims 11-18, 43 and 44 have been passed to issue. Finally, withdrawn claims 1-10 and 19-30 have been cancelled via examiner's amendment as set forth in section (1), above.

(5)

Drawings

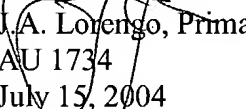
The application having been allowed, formal drawings are required in response to this Office Action.

(6)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J.A. Lorengo, Primary Examiner
AU 1734
July 15, 2004